

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

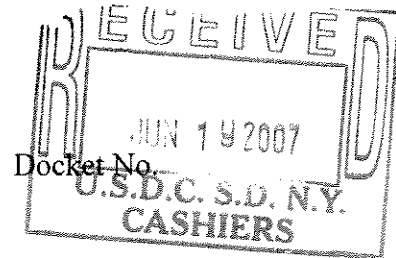
-----X  
William Reyes,

Plaintiff,

-against-

Dollar Thrifty Automotive Group, Inc., DTG Operations, Inc. and Tiffany L. Benjamin,

Defendants.  
-----X



**Petition for Removal**

07 CIV 5790 (KMK)  
"ECF CASE"

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

1. On May 25, 2007, a Summons and Complaint was served upon defendants, Dollar Thrifty Automotive Group and DTG Operations, at their corporate offices in the above-entitled action against petitioner/defendant in the Supreme Court of the State of New York, County of Bronx. The index number previously procured by plaintiff is 15421/07. No further proceedings have been had herein.

2. The above-described action is a civil action for which the Court has jurisdiction under 28 U.S.C. §1332(a)(1) and is one which may be removed to this Court by the Petitioner/Defendant herein pursuant to the provision of 28 U.S.C. §1441.

3. Plaintiff alleges in his Complaint that he is a resident of the State of New York. A copy of the Summons and Complaint are annexed hereto as Exhibit "A." The Court's jurisdiction is based upon diversity of citizenship, 28 U.S.C. Section 1332 in that the plaintiff and defendants are citizens of different states. In the Complaint, plaintiff asserts that they reside in the State of New York. Dollar Thrifty Automotive Group has its principal place of business at 5330 East 31<sup>st</sup> Street in Tulsa, Oklahoma and is incorporated in the State of Delaware. DTG Operations, Inc. has its principal place of business at 5330 East 31<sup>st</sup> Street, Tulsa, Oklahoma and

is incorporated in the State of Oklahoma. Tiffany Benjamin resides at 164 James Street, Apt. 3A, Newark, New Jersey.

4. Moreover, the amount in controversy exceeds \$75,000.00.

5. Petitioner/Defendant will pay all costs and disbursements incurred by reason of the removal proceedings hereby brought should it be determined that this action is not removable or is improperly removed.

6. Venue in the Southern District of New York is proper pursuant to 28 U.S.C. Section 112 and 28 U.S.C. Section 1391(a).

WHEREFORE, Petitioner prays that the above action now pending against it in the Supreme Court of the State of New York, County of Bronx, be removed therefrom to the United States District Court for the Southern District of New York in accordance with 28 U.S.C. Sections 1441 and 1446.

Dated: Farmingdale, New York  
June 18, 2007



CARMAN, CALLAHAN & INGHAM, LLP

James M. Carman (JMC-6268)  
Attorneys for Defendants  
266 Main Street  
Farmingdale, New York 11735  
516-249-3450

To: Trolman, Glaser & Lichtman, P.C.  
Attorneys for Plaintiff  
777 Third Avenue  
New York, New York 10017  
212-750-1200  
File No. 02236607

0.11.07

RM

**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**

06/01/2007  
Log Number 512273299

RECEIVED  
JUN 11 2007  
LONGWOOD YORK CLAIMS

**TO:** Vicki J. Vaniman  
Dollar Thrifty Automotive Group, Inc.  
5330 East 31st St.  
Tulsa, OK, 74135-

**RE:** Process Served in New York

**FOR:** DTG Operations, Inc. (Domestic State: OK)

RECEIVED  
JUN 4 2007  
Legal Department

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** William Reyes, Pltf. vs. Dollar Thrifty Automotive Grou, Inc., et al. Including DTG Operations, Inc., Dfts.

**DOCUMENT(S) SERVED:** Letter, Summons, Verified Complaint, Verification

**COURT/AGENCY:** Bronx County: Supreme Court, NY  
Case # 15421-07

**NATURE OF ACTION:** Personal Injury - Vehicle Collision - On 03/25/2007

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, New York, NY

**DATE AND HOUR OF SERVICE:** By Certified Mail on 06/01/2007 postmarked on 05/29/2007

**APPEARANCE OR ANSWER DUE:** Within 30 days after completion of service

**ATTORNEY(S) / SENDER(S):** David B. Corley  
Trolman, Glaser & Lichtman, P.C.  
777 Third Avenue  
New York, NY, 10017  
212-750-1200

**REMARKS:** Papers were served on the New York State Secretary of State on 05/25/2007.

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 790260627950

**SIGNED:** C T Corporation System  
**PER:** Christopher Tilton  
**ADDRESS:** 111 Eighth Avenue  
New York, NY, 10011  
**TELEPHONE:** 212-894-8940

6-5-07  
assign Jim Carman  
RM

Claim Number DTQ050167

Adjuster Beth Breig

Location NY - Jim Carman

Date of Loss 3-25-07

Page 1 of 1 / SA

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

6.11.07

AETNA

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----x  
WILLIAM REYES,

Plaintiff,

-against-

DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.,  
DTG OPERATIONS, INC. and TIFFANY L.  
BENJAMIN,

Defendants.  
-----x

Index #

15421-07

Date Purchased:

Plaintiff(s) designates  
Bronx

County as the place of trial

The basis of the venue is  
Plaintiff's residence

**SUMMONS**

Plaintiff(s) reside at  
985 East 163rd Street  
County of Bronx.

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

**Defendant's address:**

DOLLAR THRIFTY AUTOMOTIVE GROUP,  
INC.  
Secretary of State and  
312 Federal Circle  
Jamaica, New York 07103

DTG OPERATIONS, INC.  
Secretary of State

Tiffany L. Benjamin  
164 James Street, Apt. 3A  
Newark, New Jersey 07103

dated: New York, New York  
May 17, 2007

**Plaintiff's attorneys:**

By:

DAVID B. CORLEY, ESQ.  
TROLLMAN, GLASER & LICHTMAN, P.C.  
Office & Post Office Address  
777 Third Avenue  
New York, New York 10017  
(212) 750-1200  
Our File No. 02236607

2007 MAY 21 AM 11:16  
COUNTY CLERK  
BRONX COUNTY

RECEIVED

6:11:07

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----x  
WILLIAM REYES,

Plaintiff,

-against-

DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.,  
DTG OPERATIONS, INC. and TIFFANY L.  
BENJAMIN,

Defendants.  
-----x

VERIFIED COMPLAINT

Index No. 15421/07

**MAY 21 2007**

Plaintiff, by his attorneys, TROLMAN, GLASER & LICHTMAN,  
P.C., complaining of the defendants, all upon information and  
belief, respectfully alleges:

1. That at all times herein mentioned the plaintiff was  
and still is a resident of the County of Bronx, City and State of  
New York.

2. That, upon information and belief, at all times herein  
mentioned the defendant, TIFFANY L. BENJAMIN, was and still is a  
resident of the State of New Jersey.

3. That, upon information and belief, at all times herein  
mentioned the defendant, DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.,  
was a resident of or maintained its principal office in the County  
of Queens, City and State of New York.

4. That, upon information and belief, at all times herein  
mentioned the defendant, DTG OPERATIONS, INC., was a resident of  
or maintained its principal office in the County of Queens, City

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and State of New York.

5. That, upon information and belief, at all times herein mentioned the defendant, DOLLAR THRIFTY AUTOMOTIVE GROUP, INC. , was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

6. That at all times herein mentioned the defendant, DOLLAR THRIFTY AUTOMOTIVE GROUP, INC., was the registered owner of a certain 2007 Chrysler motor vehicle bearing New York State Registration No. DRV9955 for the year 2007.

7. That at all times herein mentioned the defendant, DTG OPERATIONS, INC. was the registered owner of a certain 2007 Chrysler motor vehicle bearing New York State Registration No. DRV9955 for the year 2007.

8. That at all times herein mentioned the defendant, TIFFANY L. BENJAMIN, operated and controlled the aforesaid Chrysler 2007 motor vehicle bearing NY State Registration No. DRV9955 for the year 2007, with the knowledge, permission and consent of the defendant, DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.

9. That at all times herein mentioned the defendant, TIFFANY L. BENJAMIN, operated and controlled the aforesaid Chrysler 2007 motor vehicle bearing NY State Registration No. DRV9955 for the year 2007, with the knowledge, permission and consent of the defendant, DTG OPERATIONS, INC.

10. That at all times herein mentioned the defendant, TIFFANY L. BENJAMIN, was employed by the defendant DOLLAR THRIFTY

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AUTOMOTIVE GROUP, INC. and at the time and place of the occurrence hereinafter set forth was acting within the scope of her employment, on the business of her employer, for and on behalf of her employer and with a view toward furthering the business interests of her employer.

11. That at all times herein mentioned the defendant, TIFFANY L. BENJAMIN, was employed by the defendant DTG OPERATIONS, INC. and at the time and place of the occurrence hereinafter set forth was acting within the scope of her employment, on the business of her employer, for and on behalf of her employer and with a view toward furthering the business interests of her employer.

12. That at all times herein mentioned Third Avenue and 86th Street, New York NY, in the County of New York, City and State of New York, was and still is a public road and thoroughfare in the County of New York, City and State of New York.

13. That at all times herein mentioned, and on or about March 25, 2007, the defendant, TIFFANY L. BENJAMIN, was operating and controlling a certain Chrysler 2007 motor vehicle bearing NY State Registration No. DRV9955 for the year 2007, owned as aforesaid, over, along and upon the roadway of Third Avenue and 86th Street, New York NY, in the County of New York, City and State of New York.



01107

14. That all times herein mentioned, and on or about March 25, 2007, the defendant, TIFFANY L. BENJAMIN, drove, operated and controlled the aforesaid Chrysler 2007 motor vehicle bearing NY State Registration No. DRV9955, for the year 2007, owned as aforesaid, over, along and upon the roadway of Third Avenue and 86th Street, New York NY, in the County of New York, City and State of New York, when the said Chrysler 2007 motor vehicle being operated by her was in contact with the plaintiff, WILLIAM REYES, a pedestrian.

15. That as a result of the aforesaid occurrence the plaintiff sustained grievous personal injury and attendant damage.

16. That the said occurrence and the injuries resulting therefrom was caused by reason of the negligence of the defendants in the ownership, operation, maintenance and control of the motor vehicle owned and operated by them.

17. That the defendants were negligent in that their motor vehicle was operated in a reckless and careless manner; in that it was not kept under proper control; in that it was operated at an improper rate of speed under the existing road conditions; in that said motor vehicle was caused, allowed and permitted to be, become and remain operated in such a reckless and careless manner that the same was caused to come into contact with the plaintiff, a pedestrian; in that the operator thereof failed to properly utilize the steering mechanism; failed to give the plaintiff the



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right of way; failed to keep a proper lookout; failed to properly utilize her horn or other signal or warning device; failed to give any signal or warning of her approach; failed to make proper and diligent application of her brakes and/or braking equipment, and was otherwise reckless and careless in the premises.

18. That as a result of the foregoing the plaintiff, WILLIAM REYES, suffered a "serious injury" as defined in Section 5102, Subdivision (d) of the Insurance Law of the State of New York.

19. That by reason thereof the plaintiff, WILLIAM REYES, is entitled to recover for non-economic loss and for such economic losses as are not included within the definition of "basic economic loss" as set forth in Section 5102, Subdivision (a) of the Insurance Law of the State of New York.

20. That the plaintiff, WILLIAM REYES, is a "covered person" within the definition of and as defined in Section 5102, Subdivision (j) of the Insurance Law of the State of New York.

21. That this action falls within the exemption as set forth within CPLR section 1602, including but not limited to CPLR section 1602 (6).

22. That by reason of the foregoing, the plaintiff, WILLIAM REYES, became sick, sore and disabled; sustained grievous personal injuries to various parts of his body; suffered and will continue to suffer great pain and anguish in body and mind; received necessary hospital care and attention by reason of his injuries;

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that he has necessarily received, is receiving and will continue to receive necessary medical care by reason of the injuries sustained by him and in connection with which expenses have, are and will continue to be incurred; that he has been greatly incapacitated and has been unable to attend to his usual duties as he had theretofore done, and, upon information and belief, his injuries are permanent, protracted and disabling in nature.

23. That the amount of damages sought by the plaintiff against the defendants, exceeds the jurisdictional limits of all lower Courts which would otherwise have had jurisdiction.

WHEREFORE, the plaintiff, WILLIAM REYES, demands judgment against the defendants, DOLLAR THRIFTY AUTOMOTIVE GROUP, INC., DTG OPERATIONS and TIFFANY L. BENJAMIN, for such amount as may seem just and proper, in accordance with the law and damages sustained by them, as will be determined upon the trial of this action, together with the costs and disbursements of this action.

Yours, etc.

DAVID B. CORLEY, ESQ.  
TROLMAN, GLASER & LICHTMAN, P.C.  
Attorneys for Plaintiff(s)  
777 Third Avenue-35th Floor  
New York, New York 10017  
(212) 750-1200  
Our File No. 02236607

6-11-07

### ATTORNEY VERIFICATION

David B. Corley being an attorney duly licensed to practice law in the State of New York, attorneys of record for the plaintiff, hereby affirms the truth of the following statements, all under penalty of perjury:

That affirmant has read the foregoing SUMMONS AND COMPLAINT and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, this entire SUMMONS AND COMPLAINT, being based upon information and belief the source thereof being the investigation conducted and the file maintained in this office, and as to those matters affirmant believes it to be true; the reason that this verification is not made by plaintiff is that plaintiff does not reside in the county of New York wherein affirmant maintains an office.

Dated: New York, New York  
May 15, 2007

  
\_\_\_\_\_  
David B. Corley

Index No.

01107

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

WILLIAM REYES,

Plaintiff,

-against-

DOLLAR THRIFTY AUTOMOTIVE GROUP, INC.,  
DTG OPERATIONS, INC. and TIFFANY L. BENJAMIN,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

TROLMAN, GLASER & LICHTMAN, P.C.

Attorneys for Plaintiff(s)

777 Third Avenue

New York, New York 10017

(212) 750-1200

Fax: (212) 980-4011

To:

Attorney(s) for

The signature below shall constitute the signature required pursuant to NYCRR Section 130-1.1-a and pertains to all of the enclosed documents: SUMMONS AND VERIFIED COMPLAINT

DAVID B. CORLEY

PLEASE TAKE NOTICE

NOTICE OF  
ENTRY

☐

that the within is a (certified) true copy of a  
entered in the office of the Clerk of the within named  
Court on 20

NOTICE  
OF  
SETTLEMENT

hat an Order of which the within is a true copy will be  
presented to the Hon. , one of the  
judges of the within named Court, on , 20

☐

Dated:

TROLMAN, GLASER & LICHTMAN, P.C.

Attorneys for Plaintiff(s)

777 Third Avenue

New York, New York 10017

(212) 750-1200

Fax: (212) 980-4011

200705250 678

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

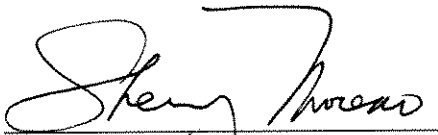
COUNTY OF NASSAU )

Sherry Moreno, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the State of New York.

On June 18, 2007, I served a true copy of the annexed Civil Cover Sheet, Rule 7.1 Statement and Notice of Petition for Removal by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addresses of the addressees as indicated below:

Trolman, Glaser & Lichtman, P.C.  
Attorneys for Plaintiff  
777 Third Avenue  
New York, New York 10017  
212-750-1200  
File No. 02236607

  
Sherry Moreno

Sworn to before me this  
18 day of June, 2007

  
Notary Public

KRISTEN J. McALEER  
Notary Public, State of New York  
No. 01MC606676  
Qualified in Suffolk County  
Commission Expires Nov. 19, 2009